

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RONALD GONDA,	:	CIVIL ACTION NO. 00-2286
	:	
	:	
Plaintiff,	:	
	:	
v.	:	CHIEF JUDGE AMBROSE
	:	
	:	
METROPOLITAN LIFE INSURANCE	:	
COMPANY and WILLIAM FRIEDT, JR.,	:	
	:	
Defendants.	:	

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**DEFENDANTS METROPOLITAN LIFE INSURANCE COMPANY’S AND WILLIAM  
FRIEDT’S MOTION FOR RECONSIDERATION OF THEIR MOTION IN LIMINE TO  
EXCLUDE EVIDENCE OF PRIOR “BAD ACTS” OF WILLIAM FRIEDT**

Metropolitan Life Insurance Company (“MetLife”) and William Friedt, Jr. hereby submit the following Motion for Reconsideration of its Motion in Limine to Exclude Evidence of Other Alleged “Bad Acts” by William Friedt:

1. Plaintiff has identified Exhibit 35, the sworn statement of Mr. Friedt, taken in preparation for an unrelated wrongful termination case in 1994, in which Mr. Friedt discusses the alleged practice of “churning,” or internal replacement at the Butler Branch Office.<sup>1</sup> See Ex. A of MetLife’s and William Friedt’s Motion in Limine to Exclude Evidence of Prior “Bad Acts” of William Friedt. Plaintiff has also identified Exhibits 33, 34, 36, 37, 38, and 39, a number of documents related to complaints allegedly filed against Mr. Friedt (and other sales representatives) regarding “internal replacement,” and communications and charts detailing Mr.

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<sup>1</sup> Plaintiff’s Exhibit 35 also discusses irrelevant and highly prejudicial allegations of racial and sexual discrimination at the Butler Branch Office. See Defendants’ Supplement to Their Motion in Limine to Exclude Evidence of Prior “Bad Acts” of William Friedt.

Friedt's rate of internal replacement, known within MetLife as his financed in-force premium rate, or his "FIP ratio." See Ex. B-G of MetLife's and William Friedt's Motion in Limine to Exclude Evidence of Prior "Bad Acts" of William Friedt.

2. For the reasons set forth in detail in MetLife's and Mr. Friedt's Brief in Support of their Motion for Reconsideration of Their Motion in Limine to Exclude Evidence of Prior "Bad Acts" by William Friedt, which is incorporated by reference., this Court should reconsider its June 30, 2006 Order and enter an Order barring the introduction or use of plaintiff's proposed Exhibits 33, 34, 35, 36, 37, 38, and 39.

**WHEREFORE**, defendants respectfully request that this Court grant Metropolitan Life Insurance Company's and William Friedt's Motion for Reconsideration of their Motion in Limine to Exclude Evidence of Other Alleged "Bad Acts" by William Friedt and enter an Order barring the introduction or use of evidence of unrelated and irrelevant undisclosed internal replacements, including plaintiff's proposed Exhibits 33, 34, 36, 37, 38, and 39.

Respectfully Submitted,

s/ B. John Pendleton, Jr.  
B. John Pendleton, Jr.  
McCARTER & ENGLISH, LLP  
Four Gateway Center  
100 Mulberry Street  
Newark, NJ 07102  
(973) 622-4444

Attorneys for Defendant  
Metropolitan Life Insurance Company  
And William Friedt, Jr.

Dated: July 5, 2006

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document was served via the electronic filing service, on this 5<sup>th</sup> day of July 2006 on the following counsel of record:

Kenneth R. Behrend, Esq.  
Behrend and Ernsberger, P.C.  
Union National Bank Building  
306 Fourth Avenue, Suite 300  
Pittsburgh, PA 15222

s/ B. John Pendleton, Jr.